United Nations A/70/781–S/2016/231

General Assembly
Security Council

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General Assembly
Seventieth session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-first year

Letter dated 8 March 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I refer to the letter dated 25 February 2016 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/70/762-S/2016/187).

Azerbaijan blatantly denies its responsibility for the intentional violation of international humanitarian law, which resulted in a large number of casualties among the civilians evacuated from the village of Khojaly.

The events in Khojaly, which led to the tragic death of civilians, were the result of internal political intrigues, a power struggle and provocations in Azerbaijan. Azerbaijan continues to exploit the Azerbaijani civilian casualties in one isolated case of the Nagorno-Karabakh war for propaganda purposes.

The authorities of Azerbaijan systematically incite and cultivate hatred towards Armenians, while promoting impunity by failing to bring to justice the perpetrators of massacres against Armenians in places far beyond the conflict zone, including Sumgait, Baku and Kirovabad. Hundreds of Armenians had been killed and hundreds of thousands had been deported before a full-scale war against the Armenian people of Nagorno-Karabakh was unleashed.

I also enclose herewith the fact sheet on the events in Khojaly and Agdam (see annex) and would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Zohrab **Mnatsakanyan**
Ambassador
Permanent Representative

16-03819 (E) 150316

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Annex to the letter dated 8 March 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Fact sheet on the events in Khojaly and Agdam — Evidence from Azerbaijani sources

For 24 years since the events of Khojaly and Agdam, the authorities in Baku have been trying to put the blame for those tragic events on Armenians and fanning traditional anti-Armenian hysteria through the falsification of history. The events in the vicinity of Agdam, territory under Azerbaijani control, which led to the unfortunate deaths of civilians, were the result of political intrigues and a struggle for power in Azerbaijan.

The true reasons are most convincingly revealed in the insider accounts of Azerbaijanis themselves, both by eyewitnesses on the ground and the organizers in Baku.

Khojaly, together with Shushi and Agdam, was one of the main strongholds from which Stepanakert, the capital of the Nagorno-Karabakh Republic, was being shelled continuously and mercilessly during the harsh winter months of 1991-1992 with barrages of artillery and missiles.

The daily shelling of Stepanakert from nearby Khojaly took the lives of hundreds of peaceful inhabitants and kept thousands hiding in basements in miserable conditions without water or sanitation. The severe shortage of food, medicine and other vital commodities left no other option but to militarily suppress the death-spreading army unit of the adversary located in Khojaly. The operation on the part of the self-defence forces of Nagorno-Karabakh was a matter of life or death; it was for the physical survival of its population, condemned by Azerbaijan to complete annihilation.

The then President of Azerbaijan, Ayaz Mutalibov, stated that "the assault on Khojaly was not a surprise attack".[1] In an interview in 1992 with the Russian newspaper *Nezavisimaya Gazeta* he emphasized that "a corridor was kept open by the Armenians for people to leave".[2] However, a column of civilians was fired on by armed units of the Popular Front of Azerbaijan on the approaches to the Agdam district border, a fact later confirmed by Mr. Mutalibov, who linked this criminal act to attempts by the opposition to remove him from power, and blamed his opponents entirely for what happened. In an interview with the Russian magazine *Novoye Vremya* Mr. Mutalibov stated that "the shooting of the Khojaly residents was obviously organized by someone to take control in Azerbaijan".[3]

According to the Azerbaijani journalist M. Safaroglu, "Khojaly occupied an important strategic position. The loss of Khojaly was a political fiasco for Mutalibov".[4] There is also an account by Azerbaijani journalist Arif Yunusov that

[1] *Ogonyok* (magazine), Nos. 14-15, 1992.
[2] *Nezavisimaya Gazeta*, 2 April 1992.
[3] *Novoye Vremya*, 6 March 2001.
[4] *Nezavisimaya Gazeta*, February 1993.

"the town and its inhabitants were deliberately sacrificed for a political purpose — to prevent the Popular Front of Azerbaijan from coming to power".[5]

Tamerlan Karayev, at one time Chairman of the Supreme Council of the Republic of Azerbaijan, bears witness: "The tragedy was committed by the authorities of Azerbaijan", and, specifically, by "someone highly placed".[6]

The Czech journalist, Jana Mazalova, who, under the oversight of the Azerbaijanis, was included in both of the groups of press representatives to be shown the bodies mutilated by "Armenians", noted a substantial difference between the two occasions. When she went to the scene immediately after the events, Ms. Mazalova saw no traces of barbarous treatment of the bodies. Yet a couple of days later the journalists were shown disfigured bodies "prepared" for videotaping.

Who killed the peaceful inhabitants of Khojaly and then mutilated their bodies? This is a legitimate question, because the tragedy occurred not in the village taken by the Armenians or on the route of the humanitarian corridor, but on the approaches to the town of Agdam — the territory fully controlled by Azerbaijanis.

The independent Azerbaijani cameraman, Chingiz Mustafayev, who took pictures on 28 February and 2 March 1992, had doubts about the official Azerbaijani version and began his own inquiry. The journalist's very first report to the Moscow news agency D-Press on the possible complicity of the Azerbaijani side in the crimes cost Mustafayev his life — he was killed not far from Agdam in circumstances that are still unexplained.

The late President of Azerbaijan, Heydar Aliyev, himself recognized that Azerbaijan's "former leadership were also guilty" for the events in Khojaly. In April 1992, according to the Bilik-Dunyasy agency, he made the following comments: "The bloodshed will be to our advantage. We should not interfere in the course of events".

Megapolis Express wrote: "It cannot be denied that, if the Popular Front of Azerbaijan actually set far-reaching objectives, they have been achieved. Mutalibov has been compromised and overthrown, public opinion worldwide has been shaken, and the Azerbaijanis and their Turkish brethren have believed in the so-called genocide of the Azerbaijani people in Khojaly".[7]

One other tragic detail: it has become known that, at the time of the events under consideration, 47 Armenians were already being held hostage in "peaceful" Khojaly, a fact that the Azerbaijani mass media "covering" the tragedy failed to mention. After the liberation of Khojaly, only 13 hostages (including 6 women and 1 child) were found there; the other 34 were taken away by the Azerbaijanis to an unknown location. The only thing known about them is that they were led from the village on the night of the operation but never reached Agdam. There is still no information as to what eventually happened to them.

In the light of the facts above, it should be put on record that, with a high degree of certainty, the killing of civilian inhabitants of the village of Khojaly was perpetrated by the Azerbaijani side as part of an evil scheme of internal struggle for power.

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[5] *Zerkalo* (newspaper), July 1992.
[6] *Mikhalifat* (newspaper), 28 April 1992.
[7] *Megapolis Express*, No. 17, 1992.

United Nations A/70/782–S/2016/240

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Security Council

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General Assembly
Seventieth session
Agenda item 72 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Security Council
Seventy-first year

Letter dated 10 March 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the statement of the Ministry of Foreign Affairs of Ukraine concerning another illegal decision of the Russian Court on Nadiya Savchenko, member of the Ukrainian Parliament, member of the Ukrainian delegation to the Parliamentary Assembly of the Council of Europe, Ukrainian Army serviceman and political prisoner illegally detained in Russia (see annex).

I would appreciate your kind assistance in having this statement distributed as a document of the General Assembly, under agenda item 72 (b), and of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative

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Annex to the letter dated 10 March 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of Ukraine on the latest unlawful Russian Court decision in the trial of Nadiya Savchenko

The Ministry of Foreign Affairs of Ukraine expresses its resolute protest over the dilatory tactics of the trumped-up trial of Ukrainian citizen Nadiya Savchenko and deliberate creation of life-threatening circumstances for her.

We perceive the postponement of the Court decision on Nadiya Savchenko until 21 March and denying her the right to be attended to by the Ukrainian consuls, physicians and family who came to Russia as an intentional and cynical reprisal against Ms. Savchenko, whose unbreakable will and strength of spirit have become the symbols of countering Russian aggression against Ukraine.

The unprecedented ignoring of the diplomatic immunity that Ms. Savchenko enjoys as a member of the Parliamentary Assembly of the Council of Europe as well as neglecting her status as member of Ukraine's Parliament raise our deep concern.

We once again call upon the international community to strengthen political and diplomatic pressure upon the Russian Federation to save Nadiya Savchenko's life and her immediate release and return to Ukraine.

United Nations A/70/783*

General Assembly

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23 March 2016

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Seventieth session
Agenda item 120
Revitalization of the work of the General Assembly

Letter dated 11 March 2016 from the Secretary-General addressed to the President of the General Assembly

On 23 October 2015, I announced my decision to convene a Task Force to review the functioning of the Office of the President of the General Assembly, in light of the arrest and indictment in New York City of six individuals, including the President of the sixty-eighth session of the General Assembly, and the resultant negative impact on the reputation of the United Nations. I invited the Task Force to review current arrangements for the functioning of the Office of the President of the General Assembly, in particular with respect to its financing and staffing. I also requested the Task Force to identify options and to make recommendations in order to promote the enhanced transparency and accountability of that Office.

I have studied the report of the Task Force and concur with its conclusions and recommendations, most of which relate to matters that fall within the authority of the General Assembly. With regard to recommendations involving financial implications, I intend to make the relevant proposals to the Assembly pursuant to resolution 70/247, in which the Assembly requested that I submit, in the context of the proposed programme budget for the biennium 2018-2019, proposals to review the budget allocation to the Office of the President of the General Assembly, in accordance with existing procedures. These proposals will take into account any decisions taken by the General Assembly on resources for the Office of the President of the General Assembly pursuant to the outcome of the current work of the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly. As you will note, the Task Force has welcomed the various initiatives that you have taken during your presidency to promote strengthened transparency in the functioning of the Office of the President of the General Assembly and has reflected them in its recommendations, to the extent possible.

I should be grateful if the report of the Task Force (see annex) could be brought to the attention of the Member States. It is my hope that it will prove useful for Member States when considering any action that they may wish to take with respect to the future functioning of the Office of the President of the General Assembly. I stand ready to assist Member States in whatever manner they may consider appropriate.

(*Signed*) **BAN** Ki-moon

* Reissued for technical reasons on 30 March 2016.

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Annex

Functioning of the Office of the President of the General Assembly

Observations and recommendations of the Secretary-General's Task Force

I. Introduction

1. On the morning of 6 October 2015, global media carried the news of the arrest and indictment in New York City of six individuals, including the President of the sixty-eighth session of the General Assembly. The indictment related to alleged tax evasion and an alleged bribery scheme involving payments by a New York-based foundation to the President of the sixty-eighth session of the General Assembly in exchange for official acts. While the matter involved the personal integrity of the individuals concerned, questions were also raised about the circumstances under which the allegations arose, including questions relating to the adequacy of the arrangements in place for the functioning of the President of the General Assembly and the Office of the President of the General Assembly.

2. In November 2015, the Secretary-General established a Task Force to look into these and other questions, in particular with respect to identifying any policy and operational gaps in the current arrangements, and to make recommendations to the Secretary-General to promote transparency and accountability in the functioning of the Office.[1]

A. Background

3. The Task Force reviewed the status, role and mandate of the President; the financing and staffing of the Office; reporting and oversight mechanisms for the President and the Office; and the procedures and practices in place for promoting the transmission of institutional memory between Presidents from session to session. In accordance with its terms of reference, the Task Force did not examine the allegations relating to the President of the sixty-eighth session of the General Assembly.

4. The Task Force is of the view that the allegations involving the President of the sixty-eighth session of the General Assembly, which have tarnished the image and reputation of the Organization, occurred in an environment where there were significant loopholes and blind spots in the operational arrangements for the President and the Office. The Task Force observed that, despite the high level of visibility of the Office, there are insufficient transparency and accountability measures in the functioning of many aspects of the Office due to its position in the structure of the United Nations and the limited role played by the Secretariat through the Department for General Assembly and Conference Management, which

[1] The Task Force was led by the Chef de Cabinet and included the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel and former Assistant Secretary-General in the United Nations, the United Nations Development Programme and United Nations Children's Fund, Toshiyuki Niwa.

is charged with administrative responsibility for the Office.[2] This lack of transparency, together with the absence of an effective system of checks and balances (which are customarily found elsewhere in the Organization), impacts on the nature and level of accountability of the President and the Office and presents a risk to the Organization.

5. At the same time, the Task Force noted the initiatives of the President of the seventieth session of the General Assembly to improve transparency in the Office. This includes, as mentioned in parts of the present report, announcing principles of conduct for his presidency, publishing a report online on the workings, finances and composition of the Office, announcing online contributions to the Trust Fund in support of the Office of the President of the General Assembly and details of his activities, including travel, and actively working with the General Assembly on longer-term reform measures.

6. The role of the President has changed from being largely ceremonial to highly substantive, especially over the past 10 sessions. While the role and functions have expanded, there has been no corresponding change in the support and backstopping arrangements for the Office and the provisions of the United Nations regular budget resources. Although the provision of human resources support to the Office increased to a total of nine Professional and General Service posts by 2005, the operating budget of the Office has remained static since 1998 except for adjustments for yearly inflation, and now stands at $326,000. The financial and human resources needs of the President have been met from voluntary contributions, in cash and in-kind, from various donors, including Member States, United Nations entities, foundations and non-governmental organizations. Some cash contributions are received through the Trust Fund, and in-kind contributions of seconded personnel and financial support for operating costs, such as travel and hospitality, are provided bilaterally to the President and the Office.

7. The points outlined above raise a number of concerns. First, the nature and level of activities of the President are determined from session to session on the basis of the President's own priorities, mandates carried over from prior sessions and requests by Member States. In turn, the extent of those activities is impacted by the actual financial and human resources available to the President. The scope of activities has thus fluctuated from session to session over the past 10 years. Second, the funding arrangements for cash and in-kind contributions from Member States and non-United Nations entities are made on an ad hoc basis and at the sole discretion of the President. Because the level of programme support costs for the Trust Fund was perceived as a disincentive for some donors to make voluntary contributions through the Trust Fund, a significant number of in-kind contributions, for which no official records are available, are provided directly to the President and the Office by donors. Third, there are no systematic, standardized arrangements for reporting between the President and the General Assembly for the purpose of transparency or for oversight of the President's activities, in particular relating to his or her travel, or of the resources deployed by the President from all sources, both

[2] The Task Force noted that the President and personnel of the Office change yearly and that their ways of operating are also subject to change. As such, the Task Force's observations and conclusions merely reflect general themes it found and are not necessarily attributable to a particular President or personnel of the Office during a particular session. In this regard, the Task Force notes positively the transparency measures adopted by the President of the seventieth session of the General Assembly during his tenure.

inside and outside the United Nations regulatory framework. Consequently, the total magnitude of financial resources deployed by the President is not known to the General Assembly or to the Department for General Assembly and Conference Management. Fourth, the selection and terms of reference of the personnel deployed to the Office in the form of seconded personnel and advisers from Member States and other sources are not transparent (except in respect of those provided through the United Nations programme budget). Again, the total human resources deployment by the President is not known to the General Assembly or to the Department. Fifth, there are no standardized briefing or handover procedures between outgoing and incoming Presidents or other robust mechanisms to ensure continuity in institutional memory for the Office. Finally, and perhaps most significantly, the Task Force found that there are no formal, agreed common principles of ethical conduct or financial disclosure measures for the President and the personnel of the Office, except those serving under United Nations letters of appointment.

8. The Task Force has offered recommendations that the General Assembly may wish to consider and which may address some of the issues the Task Force identified. The recommendations are indicated in bold below. Some of the recommendations overlap with those made by the President of the seventieth session of the General Assembly and his Chef de Cabinet in discussions with the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly to strengthen transparency and accountability in the Office and with recommendations in the Office of Internal Oversight Services audit of 2010 covering the support of the Department for General Assembly and Conference Management to the Office. These include, among other things, common principles of conduct for the President and all personnel of the Office, financial disclosure requirements for the President, and the provision of additional information to the Department, so that it can better support the Office, and to the Assembly.

9. The Task Force is of the view that the allegations against the President of the sixty-eighth session of the General Assembly provide an opportunity for Member States to scrutinize the modus operandi of the Office and make firm decisions to strengthen the transparency, accountability and effectiveness of the framework in which the President operates. Given the global significance of the position of the President, the Task Force considers it imperative that streamlined management systems be established as soon as possible to assist in maintaining the Office as an institution that is beyond reproach. This is all the more important given that the Organization as a whole has significantly increased its engagement with civil society, foundations, philanthropic organizations and the business sector. It is therefore critical to strengthen transparency and accountability in these and other interactions and to take the necessary measures to mitigate the associated risks, not only in the Office, but also throughout the Organization.

B. Working methodology

10. The Task Force began with a desk review of relevant documentation, including the reports of the Ad Hoc Working Group, relevant General Assembly resolutions, and Secretariat records on the Trust Fund, the regular budget and other relevant records held in the Secretariat.

11. The Task Force also conducted a series of interviews with five former Presidents, the Chef de Cabinet and staff of the President of the seventieth session of the General Assembly, and officials in the Department for General Assembly and Conference Management, the Office of Legal Affairs, the Department of Management, including the Office of the Controller and the Office of Human Resources Management, the Department of Economic and Social Affairs, the Ethics Office, and the Global Compact Office, and officials in the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the United Nations Fund for Population Activities (UNFPA).

II. Areas under review

A. Authority and status of the President

12. The authority of the President is derived from the Charter of the United Nations and the rules of procedure of the General Assembly (A/520/Rev.17). The Charter and the rules make it clear that the President is under the authority of the General Assembly, and that it is expected that he or she is a member of a Member State delegation.[3] The President is normally a cabinet member, usually a foreign minister, an ambassador or a permanent representative, of a Member State to the United Nations.

13. There are no specific immunities attached to the function of President. The immunity that a President possesses derives from being a member of a Member State delegation.

14. The President is not a United Nations staff member and is not subject to the Staff Rules and Staff Regulations and policies of the United Nations. When considering issues of conduct and accountability, the former Presidents interviewed expressed different views on the framework in which they believed that they were functioning while serving as President. One stated that he was bound by the public service laws of his country of origin; another stated that he was bound by the Charter; another stated that there was no specific ethical framework or code in place, but that he understood that he had to act morally and honestly with the ideals of the United Nations always in view.

15. The Task Force observed that there is a lack of common standards of conduct expected of Presidents, specifically with regard to the manner in which they conduct themselves as President-elect and when carrying out their presidential functions during their term of office. The Task Force noted that the President of the seventieth session of the General Assembly had published "Principles of Conduct of PGA70" on his website, which highlights integrity and impartiality, transparency and accountability and professionalism and effectiveness. **The Task Force is of the view that the General Assembly could consider developing core principles of conduct that Presidents would undertake to meet. The Ethics Office could**

[3] Article 21 of the Charter provides that the General Assembly shall elect its President for each session. Rule 35 confers procedural powers on the President with respect to convening and maintaining order over meetings of the General Assembly. Rule 36 provides that the President in the exercise of his functions, remains under the authority of the General Assembly. Rule 37 provides that the President, or a Vice-President acting as President, shall not vote but shall designate another member of his delegation to vote in his place.

provide an induction briefing to Presidents prior to the assumption of their duties, as necessary.

16. In addition, **Member States may wish to request or require that Presidents provide financial disclosure upon assumption and completion of their duties.**[4]

B. Role and mandate of the President

17. The specific role of the President emanates from the rules of procedure and from mandates given to the President in decisions of the General Assembly. In addition to conferring procedural powers on the President with respect to convening and maintaining order over meetings of the General Assembly, the Rules grant the President other specific procedural responsibilities.

18. The rules reflect the fact that the President's role and mandate were previously largely ceremonial and procedural in nature, and limited principally to the main session of the General Assembly, which was originally from September to December. However, from the late 1990s, the General Assembly began to encourage the expansion of the role of the President. In resolution 51/241, the Assembly adopted the text of the Open-ended High-level Working Group on the Strengthening of the United Nations System, which provided in relevant part, that the President of the General Assembly shall be encouraged to take appropriate opportunities to utilize the potential of the office of the President, consistent with the Charter and the mandates of the Assembly, to advance the purposes and principles of the Organization, including through regular consultations between the President of the Assembly and the presidents of other organs, particularly the Security Council and the Economic and Social Council, and that in order to assist the President in the discharge of his responsibilities, the General Assembly shall request the Secretary-General, after consultation with the President, to include in the next programme budget a proposal for adequate resources to be made available to the President.

19. Additionally, in its resolution 59/313, the General Assembly decided "in the context of further strengthening the role and authority of the General Assembly ... to convene and organize major thematic debates in order to establish broad international understanding on current substantive issues of importance to Member States", and it further decided to "strengthen the role and leadership of the President of the General Assembly by authorizing the President of the General Assembly to propose interactive debates on current issues on the agenda of the Assembly, in consultation with Member States."

20. Over the same period, the work of the General Assembly has increased, with the Assembly playing a more active role in global issues, including issues relating to peace and security, which previously had largely been the domain of the Security Council (see, for example, A/60/999 and A/64/903; and General Assembly resolution 60/286). As the work of the Assembly expanded, so did the role of the President. During that period, the discussions of the Ad Hoc Working Group and the related Assembly resolutions encouraged and commended the substantive work of the President (see, for example, A/56/1005, A/62/952 and A/63/959; and General

[4] The Task Force was informed that the financial disclosure made by the President of the seventieth session of the General Assembly to the Danish Government is publicly available on the Internet.

Assembly resolutions 58/126, 60/286, 61/292, 63/309 and A/64/903), and reflected a desire on the part of delegations to raise the visibility of the work of the Assembly, which some delegations believed could be achieved in part "by increasing interaction with civil society or through travel activities by the President and the Vice-Presidents",[5] and in its resolution 60/286, the Assembly encouraged the Presidents of the General Assembly to increase their public visibility.

21. Former Presidents explained that their programmes of work were developed in consultation with the chairs of committees, regional groups and Secretariat officials. The priorities often reflected the international priorities of a President's country of origin.

22. The President's priorities and related activities are also shaped by the resources available to him or her and to the Office, which supports the President. Funding and staffing of the Office are discussed in further detail below.

23. The priorities and activities undertaken by the President are therefore largely within his or her discretion and/or the discretion of the concerned Member State, and therefore can and do vary substantially from session to session. A good indication of this is the frequency of travel undertaken by Presidents. Information on travel by the President shows that, in some sessions, Presidents travelled between 17 and 19 times, while other Presidents travelled only 8 or 9 times.

24. While Presidents are accountable to the General Assembly, the full scope of their activities, in particular their travel, is not necessarily known to the Assembly as there is no formal reporting requirement in that regard. The Task Force noted that the only reporting required of Presidents is a handover briefing to the incoming President.[6] A number of resolutions on the revitalization of the work of the Assembly have repeatedly called for Presidents to continue to report on their activities, including official travel (see, for example, General Assembly resolutions 64/301, 67/297, 68/307 and 69/321). The Task Force noted that the website of the President of the seventieth session of the General Assembly includes information on his missions and official travel, including the source of support for the travel.

25. **The General Assembly may wish to consider requesting Presidents to systematically provide information to the Assembly in an end-of-presidency report on their activities, including their travel. The end-of-presidency report could also include the substantive activities of the President and the General Assembly during the session.** This could serve to enhance transparency, and would also provide the Assembly with a sound basis on which to assess the adequacy of the resources granted to the Office through the United Nations programme budget and through the Trust Fund, as well as the other financial and in-kind resources secured from non-United Nations sources obtained by the President. **The Task**

[5] A/63/959.

[6] For example, see General Assembly resolution 69/321, paras. 48 and 49:

> "48. Encourages exchanges between the President-elect of the General Assembly and the Council of Presidents so that Presidents-elect may benefit from the experiences of former Presidents in terms of best practices and lessons learned, as part of strengthening the institutional memory of the Office of the President of the General Assembly;
>
> 49. Requests the outgoing Presidents of the General Assembly to transmit to their successors a summary of their work during their terms of office and to brief them on the lessons learned and best practices, and encourages the holding of a structured and constructive exchange of experiences between them in the three-month transition period;"

Force is also of the view that the Assembly could request future Presidents to include information on the details of their activities on their websites on an ongoing basis.

26. At the fifty-second session of the General Assembly, the administrative responsibility for the Office was assigned to the Department for General Assembly and Conference Management, which provides support to the President and his or her Office pursuant to various resolutions. It is therefore the institutional link between the President and his or her Office and the Secretariat. **The Task Force is of the view that the Department can further assist the President in his or her preparation of the end-of-presidency report to the General Assembly.** The Department could provide the President with input on the activities of the Assembly, including the practices and procedures of the Office.

C. Financing of the Office

27. The mandate and the activities of the President have a direct bearing on the financing and staffing of the Office.

28. The General Assembly, in its resolution 52/220, approved the proposal of the Secretary-General to include a sum of $250,000 in the operating budget for each year of the biennium for the President (A/52/303, para. 1B.10) starting in 1998. This amount is for the travel of the President and personnel of the Office as necessary, hospitality and other miscellaneous expenses for the operations of the Office. This amount has not been increased in the past 18 years, except for annual adjustments for inflation.

29. In addition to the above and in accordance with General Assembly resolutions 58/126, 59/313 and 68/246, a total of eight posts have been made available to Presidents. Under section 1 of the programme budget, the resources provide for five general temporary assistance positions (2 D-2, 1 D-1, 1 P-5 and 1 General Service (Other Level)), which are filled on a session-by-session basis in consultation with the incoming President, amounting to $2,102,100 for the biennium 2014-2015 under section 1. An additional three posts (1 P-4, 1 P-3 and 1 P-2) are made available in the Department for General Assembly and Conference Management (sect. 2) to support Presidents.

30. A spokesperson from the Department of Public Information and a security officer from the Department of Safety and Security are also made available to Presidents. The travel costs of a Security Officer accompanying the President on official mission are covered from the programme budget for the Department of Safety and Security. On an "as needed" basis, translation, text processing and protocol services are made available from the Department for General Assembly and Conference Management, and a driver is made available by the Department of Management, although it is noted that there are no dedicated staff resources assigned exclusively to the Office for the provision of such services.

31. Additional funding needs for the operating costs of the Office, beyond the regular budget provision for operating costs (currently $326,000 per year), had been met through voluntary contributions from Member States and other donors. The Trust Fund established in 2010 accepted voluntary contributions from Member

States, intergovernmental organizations, national institutions, non-governmental organizations, individuals and others.

32. The Trust Fund had the benefit of assuring transparency and accountability as the contributions were received and expenditures made in accordance with the framework of the Financial Regulations and Rules of the United Nations (ST/SGB/2003/7).

33. According to records held in the Department for General Assembly and Conference Management, which is the implementing office for the Trust Fund, approximately 23 contributions totalling $1,642,079 have been received between the 64th and 70th sessions (to date): $70,134 for the 64th session; $495,438 for the 65th session; $0 for the 66th session; $479,343 for the 67th session; $147,164 for the 68th session; $100,000 for the 69th session; and $350,000 for the 70th session as at January 2016.

34. Beyond the funding received through the Trust Fund, additional voluntary contributions had been sought by Presidents to satisfy the remaining need for human resources and operating costs for the Office. No records are available for this category of supplementary funding for Presidents in the Office or in the Department for General Assembly and Conference Management, but such voluntary funding is understood to be substantial. Contributions, which took the form of in-kind contributions for seconded staff and travel and hospitality, had been solicited and/or received and expended at the sole discretion of Presidents. This situation has significant implications.

35. First, these bilateral transactions were not visible to the General Assembly or to the Department for General Assembly and Conference Management as they were outside the United Nations financial regulatory framework and there were no requirements for Presidents to report on their receipt and use to the General Assembly. This lack of transparency was identified as a serious risk in the 2010 audit by the Office of Internal Oversight Services (see para. 7 above). **The Task Force therefore recommends that details of the contributions channelled outside the Trust Fund, including the source, purpose and amount, be disclosed to the General Assembly in an appropriate manner. Furthermore, the Task Force believes there could be more transparency with regard to information provided to the Assembly with information on all funds deployed from all sources, including through the United Nations programme budget, the Trust Fund and bilaterally arranged cash and in-kind contributions, so that the overall magnitude of the funding available to the President is disclosed to the General Assembly.**

36. Bearing in mind that voluntary contributions will continue to be an essential component of funding for the Office, the Task Force makes two proposals in this regard. **The Task Force is of the view that, to the greatest possible extent, all supplementary cash contributions from Member States should be channelled through the Trust Fund, which is managed under the United Nations regulatory framework.** In this regard, the Task Force notes that, in February 2013, the Department of Management waived the Trust Fund's 15 per cent operational reserve, and in November 2015 it reduced the rate of programme support costs from 13 per cent to 7 per cent. These changes should operate to facilitate more donors, both Member States and non-United Nations donors, making contributions through the Trust Fund in the future.

37. With regard to voluntary contributions from private sources, such as foundations, non-governmental organizations, philanthropic organizations and business entities, the Task Force believes that the Organization's engagement with these entities presents additional risks, including in respect of ensuring the bona fides of some of the entities themselves. In this regard, the Secretary-General has issued policy guidelines on interactions with private entities, including non-governmental organizations, which cover the Secretariat and the separately administered funds and programmes. **The Task Force is of the view that private entities wishing to make contributions to the President and the President's Office could be vetted through the United Nations Global Compact or the Ethics Office, as appropriate, and that cash contributions must be channelled through the United Nations Trust Fund.**

38. The question of the adequacy of programme budget allocation to the Office has been discussed on a number of occasions over many years in the context of the Ad Hoc Working Group, with some Member States expressing their concern that the sufficiency of funding for the President needed to be reviewed, while others indicated that the resources appeared sufficient and that proposals for any increase should be made through established procedures.

39. At its sixty-eighth session, as in earlier sessions, the General Assembly, in its resolution 68/307, requested the Secretary-General to submit, in the context of the proposed programme budget for the biennium 2016-2017, proposals to review the budget allocation to the Office of the President of the General Assembly in accordance with existing procedures. The overall level of preliminary indicative estimates for 2016-2017, as reflected in paragraph 13 (b) (i) of the proposed programme budget outline for the biennium 2016-2017 (A/69/416), included a request for additional resources in support of the Office. The General Assembly endorsed a preliminary estimate of resources below the proposed level. The additional requirement for resources to provide handover and overlap costs for staff of the incoming President was therefore not included in section 1 of the proposed budget for the biennium 2016-2017.

40. In its resolution 70/247, the General Assembly again requested the Secretary-General "to submit, in the context of the proposed programme budget for the biennium 2018-2019, proposals to review the budget allocation to the Office of the President of the General Assembly in accordance with existing procedures."

41. In this connection, all former Presidents interviewed stated that the current programme budget provisions are insufficient to cover the costs of the activities of the President and the Office, particularly in view of the fact that the activities had greatly expanded since 1998, when the amount of $250,000 had been approved. As Presidents must rely on supplementary funding from their own Governments (among others), the Task Force was of the view, based on information received from former Presidents, that the capacity to fund to the extent of activities required of the President may differ among Member States, leading to issues of inequity.

42. The challenges of relying on supplementary funding were also emphasized in the discussions of the Ad Hoc Working Group (see A/68/951, para. 80).

43. The Task Force examined whether the amount of the programme budget resources for the President should be increased. It noted the incontrovertible expansion of the work of the General Assembly and the President's activities (and the duration of his or her duties) over the years, as well as the increase in human resources granted by the Assembly and seconded to the Office by Member States,

all of which had occurred without a corresponding increase in the regular budget operating costs for the Office since 1998. It also considered the possible inequities in the financial and in-kind support that Presidents could expect from their own Member States.

44. However, as shown in the table below, with figures up to 31 August 2015, there remained, at the end of three of the last five full sessions, a significant balance from the resources made available to the President at the beginning of his or her term. For example, there were unused balances of 14 per cent, 18 per cent and 32 per cent in the sixty-ninth, sixty-fifth and sixty-eighth sessions, respectively. The Task Force was thus of the view that a request for increased assessed contributions for operating costs would be difficult to sustain at the present time without additional data.

Regular budget expenditures for the Office of the President of the General Assembly

(United States dollars)

Session	*Dates*	*Funds allotted* (1)*	*Other staff costs*	*Travel*	*Hospitality*	*General operating expenses*	*Supplies and materials*	*Total expenditure (2)*	*Variance (3)=(1)-(2)*	*Total expenditure as a percentage of funds allotted*
65th	1 September 2010-31 August 2011	296 900	13 670	149 943	23 914	55 301	64	242 891	54 009	82%
66th	1 September 2011-31 August 2012	306 900	26 000	201 074	52 045	32 092	1 806	313 017	(6 117)	102%
67th	1 September 2012-31 August 2013	310 600	6 528	190 624	51 525	64 170	128	312 976	(2 376)	101%
68th	1 September 2013-31 August 2014	319 700	4 629	144 594	54 374	14 540	385	218 522	101 178	68%
69th	1 September 2014-31 August 2015	321 700	9 980	169 869	71 788	24 037	–	275 675	46 025	86%

* Based on revised appropriation.

Note: For presentation purposes, the allotment and expenditures are presented in terms of General Assembly sessions rather than in terms of fiscal periods.

45. However, the Task Force considers it desirable to ensure that there is an appropriate balance between the resources provided through the United Nations and those received as supplementary funding. This is ultimately a determination for the General Assembly to make, once it has an overview of the entire financing of the Office.

46. The Task Force believes that priority attention should be given to reporting to the General Assembly on the President's activities, especially travel, and all receipt and use of resources by the President. Once the required transparency and accountability is established, the Assembly may wish to examine the need for additional provisions in the programme budget with a view to ensuring that there is an appropriate/equitable split between the regular budget and voluntary funding for the Office.

D. Staffing of the Office

47. As noted above, the General Assembly has approved programme budget resources in support of the Office. The staff members appointed to the Office hold United Nations letters of appointment and are subject the Staff Regulations of the United Nations and Staff Rules, including the standards of conduct expected of international civil servants.

48. The staff, who are recruited on an annual basis within the Office, are selected in consultation with the President. While there is no formal competitive process, the qualifications and experience of the selected staff should meet the human resources evaluation criteria for the grade level of each position.

49. In addition to those staff members, Member States second or deploy personnel, known as advisers, to the Office on the basis of bilateral arrangements, which may be initiated by either the President or the Member State concerned. The Task Force was informed that, generally, there is no formal written agreement, between the Member States and the President and/or the Office, governing those deployments, nor are there established terms of reference. The Department for General Assembly and Conference Management advised that it is not always aware of the full complement of advisers as, in certain sessions, some serve periodically and/or may not be located within the premises of the Office.[7]

50. The seconded personnel remain employees of the Member States concerned and are subject to the relevant legal framework of the Member State. There are, therefore, no established common principles of conduct expected of personnel seconded to the Office.

51. The Secretariat and the funds and programmes, including UNDP, UNICEF and UNFPA, also assign senior staff to the Office, some of whom are paid for by the relevant entity, while others are selected for United Nations posts under the regular budget. In additional, Associate Experts and/or Junior Professional Officers are assigned to the Office from time to time.

52. There was consensus among the former Presidents and Secretariat officials interviewed that the practice of seconding personnel was beneficial to both the Office and to Member States, and that the practice should continue to be encouraged. The Task Force shares this position, but is of the view that the current practice lacks transparency and accountability controls. **The Task Force is of the view that secondments from Member States and United Nations entities, including funds and programmes, could be subject to a written understanding (for example, a letter) between the Office and the concerned Member State, which should include clear terms of reference and core principles of conduct that seconded personnel would be expected to undertake to meet during the period of their service with the Office. Copies of this documentation could be provided to the Department for General Assembly and Conference Management for the purpose of record-keeping. Additionally, seconded personnel could receive an induction briefing by the Ethics Office. It is also recommended that seconded personnel from United Nations entities continue to enjoy the privileges and immunities that they enjoyed when serving with those**

[7] The Task Force understands that some Presidents provide a list of Office personnel on their websites.

entities. Further consideration should be given to establishing the status of persons seconded by Member States to the Office, in particular, in terms of the immunity that they enjoy.

53. **Further, the General Assembly may wish to consider requesting greater transparency from Presidents on all human resources obtained through the regular budget of the United Nations, Member States, United Nations funds and programmes and other sources, including all seconded personnel and/or advisers.**

54. In terms of the adequacy of the number of regular budget posts within the Office, the Task Force noted that, based on information made available, over the past nine sessions the number of personnel in the Office during each session ranged from 18 to 33 and that of those, only five, including one staff member at the General Service (Other level), were funded from the regular budget.[8] The Task Force considered it important to better balance the split between resources provided by the United Nations and the resources that Presidents obtain on a bilateral basis. In addition, as discussed in more detail below, it was felt that there is a need to have a dedicated resource in the Office to manage continuity and the transfer of knowledge between sessions, in coordination with the Department for General Assembly and Conference Management. **Accordingly, the Task Force recommends the establishment of an additional post in the Office, at the P-5 level, which could be filled on a longer term basis. The incumbent of the post would manage the continuity and transfer of knowledge between Presidents and sessions, as well as assist in the preparation of the President's end of presidency report, as recommended in paragraph 25 above, and in the handover briefing recommended for the President and the Office in paragraph 64, below.**

55. In addition, in view of the fact that Presidents now regularly handle wide-ranging substantive development issues, such as the 2030 Agenda and the Sustainable Development Goals, the **Task Force recommends that Presidents consider utilizing senior staff from the Secretariat and the specialized agencies, funds and programmes, such as UNICEF, UNDP and UNFPA, on a more systematic basis.**

56. **Presidents may also wish to consider the systematic deployment of suitably qualified Associate Experts and/or Junior Professional Officers, at least one during each session, to support the more senior staff in the Office and to provide additional continuity between sessions.**

E. Strengthening the institutional memory of the Office

57. Establishing and maintaining institutional memory between Presidents has been the subject of ongoing discussions among the members of the Ad Hoc Working Group on the Revitalization of the Work of the General Assembly (see, for example, A/60/999, A/63/959, A/64/903 and A/68/951), which has resulted in successive resolutions calling for serving Presidents to ensure that they provide a briefing to

[8] The figures are based on lists of personnel provided to the Task Force by the Department for General Assembly and Conference Management. The Department advised the Task Force that the information might not be complete as it was not always made aware of all of the advisers affiliated with the President and/or the Office.

Presidents-elect (see resolutions 63/309, 64/301, 66/294, 67/297, 68/307 and 69/321).

58. In its most recent resolution, 69/321, the Assembly requested the outgoing Presidents of the General Assembly to transmit to their successors a summary of their work during their terms of office and to brief them on the lessons learned and best practices and encouraged the holding of a structured and constructive exchange of experiences between them in the three-month transition period. The resolution also encouraged exchanges between the President-elect and the Council of Presidents in terms of best practices and lessons learned, as part of strengthening the institutional memory of the Office of the President.

59. The Task Force was informed by the Department for General Assembly and Conference Management and by former Presidents that, in reality, there is no established format for such briefings and that it is only in rare cases that there has been a written briefing. Most of the former Presidents stated that they had received limited to no briefing from their predecessors.

60. Former Presidents also stated that the Office did not possess files and records from previous sessions. In addition, the Department for General Assembly and Conference Management confirmed that it does not have copies of the files of the Office from session to session, and that many Presidents and/or Member States are of the view that the files are part of the records of the President's Member State.

61. The Permanent Mission of Switzerland to the United Nations has emphasized the importance of recording institutional memory for the benefit of incoming Presidents. In 2011, the Permanent Mission of Switzerland published "The PGA Handbook: A practical guide to the United Nations General Assembly". The reader's guide in the Handbook states:

> Some may argue that the UN General Assembly (GA) is best experienced intuitively and that knowledge about how it works is best passed on by word of mouth. We beg to differ. We believe that a written guide to the GA can add value to its institutional memory.

62. The General Assembly's decision that the President be elected three months prior to the assumption of duties served to facilitate, among other things, the transfer of knowledge between incoming and outgoing Presidents. That decision, along with other measures to strengthen institutional memory, were adopted in resolution 56/509.

63. While the Department for General Assembly and Conference Management provides the President-elect with briefings and support during the three-month transition period, the Task Force was informed that the Organization does not provide resources to hire personnel during the transition period, which can limit the progress the President-elect can make during that period. The Task Force noted that, in his proposed programmed budget outline for the biennium 2016-2017, the Secretary-General had proposed that resources be granted for handover and overlap costs for staff of the incoming President, who usually arrive earlier to start working in the interim office of the President-elect and therefore overlap with the staff of the outgoing President for several weeks (see A/69/416). As noted above, the General Assembly did not endorse the proposed level of resources and, accordingly, the additional resource requirements were not included in the proposed programme budget for the biennium 2016-2017. **The Task Force is of the view that, in order**

to maximize the use of the transition period for incoming Presidents, the Secretary-General could request that programme budget resources be allocated for handover and overlap costs for a limited duration during the three-month transition period.

64. The Task Force noted the ad hoc nature of the handover briefings between Presidents, despite the importance accorded by the Assembly to those briefings. Indeed, this is the only formal reporting currently required of Presidents. The Task Force was of the view that the format of the briefings should not be left to the individual style and inclinations of each President. **The Task Force recommends that, consistent with numerous resolutions calling for handover briefings to incoming Presidents, a common format be established for use by all Presidents, covering both substantive and administrative and/or financial elements relating to the Office, and that the Assembly request that Presidents provide written briefings to incoming Presidents based on the agreed format.** The Department for General Assembly and Conference Management could assist the outgoing President in the preparation of the handover brief.

65. The Task Force also noted the lack of records retained in the Office or the Department for General Assembly and Conference Management from session to session. As an Organization that is steeped in precedent, and as Presidents take forward many issues and mandates begun by their predecessors,[9] the lack of comprehensive records within the Office or the Department is a hurdle to the preservation of institutional memory and to the enhancement of transparency, accountability and effectiveness. **The Task Force is of the view that measures may be taken to maintain Office records in Department and/or the Office, including archiving of the same, which would then be accessible to future Presidents and personnel of the Office in accordance with archival procedures and guidelines of the United Nations, and that it be explicitly acknowledged that those records form a part of the archives of the United Nations.**

66. The Task Force considered that another effective mechanism for conserving institutional memory and continuity is through staff and/or personnel. In this regard, it was noted that the five posts funded under the regular budget of the United Nations are filled on a session by session basis and that most personnel seconded from Member States and elsewhere also change from session to session. While some Presidents choose to retain or reappoint certain staff/personnel who served under previous Presidents, the only permanent staff located in the Office are the two General Service staff members from the Department for General Assembly and Conference Management. **The Task Force is of the view that it may be useful to consider filling the current post at the P-5 level for a duration of two or three sessions so as to provide additional continuity and institutional memory in the Office.** The Task Force notes that its recommendations for the increased use of Associate Experts and Junior Professional Officers and for an additional P-5 post in the Office, so as to assist the President in meeting the new reporting requirements the Assembly considers appropriate (see paras. 54 and 56, above), would also provide additional continuity.

[9] The Task Force was informed that ongoing mandates of the President are often assigned to co-facilitators and/or co-chairs from more than one Member State, who may work on issues for one or more session, and that this practice provides continuity. The Task Force did not see this as a substitute for maintaining and archiving documents and/or electronic files.

F. Oversight of the Office

67. The Task Force has made a number of recommendations for increased transparency and accountability in the functioning of the Office. In the future, should some or all of the present report's recommendations be accepted by the General Assembly, the General Assembly may wish to consider, without prejudice to the President's direct accountability to the Assembly, **the possibility of a technical oversight body, to be appointed under a mandate and composition deemed appropriate by the General Assembly, that would review the handling of the financial and human resources issues of the Office, as well as the effectiveness of the transfer of institutional knowledge and/or memory. Such an oversight body could directly report and be accountable to the General Assembly.**

III. Summary of recommendations

68. The following is a summary of the recommendations made by the Task Force, which are aimed at promoting transparency, accountability and efficiency in the functioning of the Office:

(a) The General Assembly may wish to consider developing core principles of conduct that Presidents would undertake to meet. The Ethics Office could provide an induction briefing to Presidents prior to the assumption of their duties, as necessary (para. 15);

(b) The General Assembly may wish to consider requesting or requiring Presidents to provide a financial disclosure upon their assumption and completion of duties (para. 16);

(c) The General Assembly may wish to consider requesting Presidents to systematically provide information to the Assembly, in an end-of-presidency report, on their activities, including their travel. The end-of-presidency report could also include a summary of the substantive activities of the President and the Assembly during that session. The Department for General Assembly and Conference Management can further assist the President in the preparation of the end-of-presidency report to the Assembly (paras. 25 and 26);

(d) The General Assembly could request future Presidents to publish information on the details of their activities on their websites, on an ongoing basis (para. 25);

(e) The General Assembly may wish to consider requesting Presidents to provide details of contributions channelled outside of the Trust Fund, including the source, purpose and amount, in an appropriate manner. More generally, the Assembly could request Presidents to provide it with information on all funds deployed from all sources, including through the United Nations programme budget, the Trust Fund and bilaterally arranged cash and in-kind contributions, so that the overall magnitude of the funding available to the President is disclosed to the Assembly (para. 35);

(f) The General Assembly may wish to consider requiring that, to the greatest possible extent, all supplementary cash contributions from Member States

should be channelled through the Trust Fund, which is managed under the United Nations regulatory framework (para. 36);

(g) The General Assembly may wish to consider requiring that all private entities wishing to make contributions to the President and/or the Office be vetted through the Global Compact Office and the Ethics Office, as appropriate, and requiring that all cash contributions from all such entities be channelled through the United Nations Trust Fund (para. 37);

(h) Secondments from Member States and United Nations entities, including the funds and programmes, could be subject to a written understanding (e.g., a letter) between the Office and the Member State concerned, which could include clear terms of reference and core principles of conduct that seconded personnel would be expected to undertake to meet during the period of their service with the Office. Copies of that documentation could be provided to the Department for General Assembly and Conference Management for the purpose of record-keeping purposes (para. 52);

(i) Seconded personnel could receive an induction briefing by the Ethics Office. It is also recommended that seconded personnel from United Nations entities continue to enjoy the privileges and immunities that they enjoyed when serving with those entities. Further consideration should be given to establishing the status of persons seconded by Member States to the Office, in particular in terms of the immunity that they enjoy (para. 52);

(j) The General Assembly may wish to consider requesting greater transparency from Presidents on all human resources obtained through the United Nations regular budget, Member States, United Nations funds and programmes and other sources, including all seconded personnel and/or advisers (para. 53);

(k) The Secretary-General should consider proposing the establishment of an additional P-5 post in the Office, which could be filled for a duration of up to five years. The incumbent of the post would manage the continuity and transfer of knowledge between Presidents and sessions, as well as assist in the preparation of the President's end-of-presidency report and in the handover briefing recommended for the President and/or the Office (para. 54);

(l) Presidents may wish to consider utilizing senior staff from the Secretariat, specialized agencies, funds and programmes, such as UNICEF, UNDP and UNFPA, on a more systematic basis (para. 55);

(m) Presidents may also wish to consider systematically deploying suitably qualified Associate Experts and/or Junior Professional Officers, at least one during each session, to support the more senior staff in the Office and to provide additional continuity between sessions (para. 56);

(n) The Secretary-General should propose that programme budget resources be allocated for handover and overlap costs for a limited duration during the three-month transition period, in order to maximize the use of the transition period for incoming Presidents (para. 63);

(o) Consistent with numerous General Assembly resolutions calling for handover briefings to incoming Presidents, consideration could be given to establishing a common format for use by all Presidents, covering both substantive and administrative and/or financial elements relating to the Office, and the

Assembly could consider requesting that Presidents provide written briefings to incoming Presidents based on the agreed format (para. 64);

(p) Measures may be taken to maintain Office records in the Department for General Assembly and Conference Management and/or the Office, including archiving of the same, which would then be accessible to future Presidents and personnel of the Office in accordance with archival procedures and guidelines of the United Nations, with it being explicitly acknowledged that those records form a part of the archives of the United Nations (para. 65);

(q) The General Assembly may wish to consider whether it would be useful to fill the current post at the P-5 level in the Office for a duration of two or three sessions so as to provide additional continuity and institutional memory in the Office (para. 66);

(r) The General Assembly may wish to consider, without prejudice to the President's direct accountability to the Assembly, the possibility of a technical oversight body, to be appointed under a mandate and composition deemed appropriate by the Assembly, that would review the handling of the financial and human resources issues of the Office, as well as the effectiveness of the transfer of institutional knowledge and/or memory. Such an oversight body could directly report and be accountable to the General Assembly (para. 67).

IV. Conclusion

69. The allegations against the President of the sixty-eighth session of the General Assembly are of grave concern, but the situation has presented the Organization with an opportunity to examine the functioning of the Office. The review by the Task Force revealed multiple areas in the operations of the Office that, in its opinion, may benefit from strengthening for greater transparency, accountability and efficiency. The Task Force believes that this is an opportunity that the Organization cannot afford to miss.

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Agenda item 46
Question of the Falkland Islands (Malvinas)

Letter dated 7 March 2016 from the Permanent Representative of Uruguay to the United Nations addressed to the Secretary-General

In my capacity as President Pro Tempore of the Southern Common Market (MERCOSUR) and associated States, I have the honour to inform you that the forty-ninth Ordinary Meeting of the Council of the Common Market and Summit of Presidents of MERCOSUR was held in Asunción, Republic of Paraguay, on 21 December 2015.

On that occasion, the Presidents of MERCOSUR States parties and associated States agreed on a special communiqué and on paragraphs of their joint communiqué that relate to the question of the Malvinas Islands.

In paragraph 33 of the joint communiqué adopted by the MERCOSUR States parties and associated States, the Presidents:

> "Reaffirmed the terms of the 'Declaration of the Presidents of the States parties of MERCOSUR, the Republic of Bolivia and the Republic of Chile', signed on 25 June 1996 in Potrero de los Funes, Argentine Republic, known as the 'Malvinas Declaration', and reiterated their support for the legitimate rights of the Argentine Republic in the sovereignty dispute concerning the question of the Malvinas Islands;
>
> "Stressed that the adoption of unilateral measures is incompatible with United Nations decisions, and recalled that it is in the interests of the region for the prolonged sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland over the South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to be resolved as soon as possible, in accordance with the relevant United Nations resolutions and the declarations of the Organization of American States, the Community of Latin American and Caribbean States, the Union of South American Nations, MERCOSUR and other regional and multilateral forums;
>
> "Recalled, in that context, that 16 December 2015 marked the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), which was the first to refer specifically to the question of the Malvinas Islands and which has been reiterated up to the present day by successive resolutions of

the General Assembly and the Special Committee on decolonization, and noted with satisfaction the significant contribution made by the Special Committee on decolonization in its consideration of the question over the 50 years since the adoption of resolution 2065 (XX);

"Welcomed the reiteration by the President Pro Tempore of the request to the Secretary-General of the United Nations to renew his efforts, pursuant to the mission of good offices entrusted to him by the General Assembly through successive resolutions, to bring about the resumption of negotiations in order to find a peaceful solution to the dispute as soon as possible, and to report on the progress made in the fulfilment of that mission".[1]

In addition, the Heads of State of the MERCOSUR States parties and associated States adopted the "Special declaration on hydrocarbon exploration on the Argentine continental shelf in the vicinity of the Malvinas Islands" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 46, concerning the question of the Malvinas Islands.

(*Signed*) Elbio **Rosselli**
Ambassador
Permanent Representative of Uruguay to the United Nations

[1] The full text of the joint communiqué is available at: http://www.mercosur.int/innovaportal/file/4488/1/comunicado-ep-ea_es.pdf.

Annex to the letter dated 7 March 2016 from the Permanent Representative of Uruguay to the United Nations addressed to the Secretary-General

Special declaration on hydrocarbon exploration on the Argentine continental shelf in the vicinity of the Malvinas Islands

The Presidents of the MERCOSUR States parties and associated States, being aware of the presence of a semi-submersible platform on the Argentine continental shelf that is carrying out hydrocarbon exploration activities that are unauthorized by the Argentine Republic,

Firmly reject this new unilateral action by the United Kingdom of Great Britain and Northern Ireland, which violates international law and Argentine domestic legislation;

Recall the ongoing mandate set forth in United Nations General Assembly resolution 31/49, which calls upon both parties in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to refrain from taking decisions that would imply introducing unilateral modifications in the situation, as such decisions are in no way conducive to the attainment of a definitive solution to the sovereignty dispute, a solution which the international community has called for repeatedly;

Reaffirm, in particular, the special communiqué on hydrocarbon exploration on the continental shelf, which was approved by the Heads of State and Government at the Latin American and Caribbean Unity Summit held in Cancún, Mexico, on 23 February 2010, and the commitments made with respect to illegal hydrocarbon and/or mining activities on the Argentine continental shelf, including the sharing of information, and the prevention of the entry into their ports of vessels flying the illegal flag of the Malvinas Islands;

Ratify the statements of other regional and biregional organizations and forums that have taken a position on this question, most recently the Group of 77 and China, the Latin American Energy Organization and the Latin American Integration Association, which expressed the view that the operations carried out by companies not authorized by the Argentine Government in the Malvinas Islands area relating to the exploration for natural resources, especially hydrocarbon resources, were seriously detrimental to the sovereign rights of the Argentine Republic over its continental shelf. Those forums have also recognized the right of the Argentine Republic to take administrative and legal action, with full respect for international law and relevant resolutions, against the unauthorized hydrocarbon exploration and exploitation activities that the United Kingdom is carrying out in the aforementioned area;

Take note of the legal action taken by the Argentine Republic against companies involved in unauthorized hydrocarbon exploration and exploitation activities on the Argentine continental shelf.

Asunción, 21 December 2015